

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68950 of 2019

Arising Out of PS. Case No.-418 Year-2019 Thana- SITAMARHI District- Sitamarhi

1. BHOLA MAHTO S/o Pallu Mahto Resident of Village- Rajo Patti, P.S.- Sitamarhi, District- Sitamarhi.
2. Pardeshi Mahto S/o Pallu Mahto Resident of Village- Rajo Patti, P.S.- Sitamarhi, District- Sitamarhi.
3. Raju Mahto S/o Suganu Mahto Resident of Village- Rajo Patti, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-11-2019 Petitioners seek bail in anticipation of their arrest in connection with Sitamarhi P.S. Case No. 418 of 2019, registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30 (a) of the Bihar Excise Prohibition Act, 2016.

As per F.I.R. there is recovery of 216 liters of Nepali Saufi from the Scarpio vehicle and one Ram Sobhit Mukhiya was arrested who disclosed the name of the petitioners.

Submission of the learned counsel for the petitioners is that petitioners neither owner of the vehicle nor driver of the vehicle. They have made accused only on the confessional



statement of co-accused. Except confessional statement nothing incriminating against them. For that purpose case diary was called for.

Learned A.P.P. for the State has not controverted the above facts, except that petitioner No. 1 has criminal antecedent and he has suppressed the same which appears from case diary.

Having heard both sides. So far as petitioner no.1 is concerned, in view of the above facts, I am not inclined to grant privilege of anticipatory bail to him, however, he is directed to surrender before the learned Court below and make prayer for regular bail and Court below will consider the matter on its own merit without being prejudiced by order of this court.

So far as petitioner No.2 and 3 are concerned, let the petitioner No.2 and 3 above named, has to surrender before the Court below who will verify their antecedent and if they have no criminal antecedent they will be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Addl. Sessions Judge-II-cum- Spl. Judge, Excise, Sitamarhi, in connection with Sitamarhi P.S. Case No. 418 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person



having sufficient immovable property within the jurisdiction of the Court concerned. During the period of verification petitioners No. 2 and 3 may be released on provisional bail.

With the aforesaid condition this application stands disposed of.

(Vinod Kumar Sinha, J)

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